

ESTTA Tracking number: **ESTTA136396**

Filing date: **04/19/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91176125
Applicant	Defendant Beech-Nut Nutrition Corporation
Other Party	Plaintiff National Tobacco Company, L.P.

### **Motion for an Extension of Time to Answer With Consent**

Beech-Nut Nutrition Corporation's answer is currently due on 04/21/2007, and the close of discovery is currently set for 09/28/2007. Beech-Nut Nutrition Corporation requests that its time to answer be extended by 30 days from the current due date, or until 05/21/2007. The grounds for applicant's request are as follows:

- *The parties are discussing settlement*

Beech-Nut Nutrition Corporation has secured the express consent of all other parties to this proceeding for the extension requested herein.

Beech-Nut Nutrition Corporation has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/MPG-ATLLP/  
Meredith P. Gammill  
mgammill@armstrongteasdale.com  
SJH2@gdm.com  
04/19/2007